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2 **14. ISSUE: Re: MACE: HENDERSHOTT THREATENED TO "MACHINE-GUN"**
3 **BURDEN, KNIGHT AND FREEMAN, AND SUBSEQUENTLY TRANSFERRED**
4 **THEM FROM MACE RESPONSIBILITIES – SUBJECT: HENDERSHOTT**
5 **(Munnell Memo pp. 32-33)**
6

7 **Chief Deputy David Hendershott**
8

9 H9A. Allegedly, after Lt. Rich Burden refused to prepare or order others to prepare an
10 affidavit to secure a search warrant of Board of Supervisors offices, Chief
11 Deputy David Hendershott threatened to "machine gun" or remove Rich
12 Burden, Bill Knight, Scott Freeman and Jeff Gentry from the command
13 structure over MACE, if they did not comply with his orders, which they
14 considered unreasonable and improper. Subsequently, Hendershott removed
15 Burden, Knight, Freeman and Gentry from MACE. Reportedly, Hendershott
16 later told Sheriff Arpaio that he had removed "lazy Deputies" from MACE.
17

18 **MUNNELL'S WRITTEN ACCOUNT**
19

20 **Hendershott threatens to "machine-gun" Burden, Knight, and Freeman**
21

22 At about 2000 hours that evening, Burden received the first of several threatening phone calls
23 from Hendershott. He threatened that Freeman, Knight, and Burden had "better get on board" and
24 threatened to "machine gun" every "fucking" or "mother-fucking one of them" before hanging up
25 on Burden. Hendershott called Burden back a second time and again threatening to "machine-
26 gun" all of them and hung up. Burden then called Hendershott back and tried to be non-
27 threatening to his Chief. Hendershott again replied that that they had better get on board or he
28 would "machine gun" all of them. Burden then told Hendershott to go ahead and do it, and hung
29 up on the Chief. Burden said he was very upset by what had happened and was unable to sleep
30 that night.
31

32 **Hendershott removes Freeman, Knight, Burden, and Gentry from their duties as the MACE**
33 **Unit chain of command.**
34

35 The very next day following the Aubuchon meeting, Burden was working to establish probable
36 cause for the search warrant Hendershott wanted written by following-up on the vendor who had
37 been contracted to sweep the County BOS offices for listening devices. All of the sudden, Burden
38 received a called from Chief Scott Freeman and was directed to stop. He then told Burden to meet
39 with him and Chief Knight. At this meeting, Burden was told that they had all been fired from the
40 MACE Unit and that Burden was being reassigned to the Enforcement Support Division.
41

42 Hendershott commented that only Captain Miller could effectively manage the remaining
43 Detectives assigned to the MACE Unit and the primary investigators were transferred back under
44 Miller's command effective immediately. In addition to the MACE Unit being removed from
45 under the command and supervision of Freeman, Knight, and Burden, Sergeant Jeff Gentry and his
46 Detectives were also removed from the MACE Unit and returned to the Special Investigations
47 Division. This left the remaining MACE Detectives, Sergeant Rich Johnson, and Sergeant Brandon
48 Luth under the command of Captain Miller. Captain Miller was not pleased with the decision to
49 return MACE back under his command and he retired not long after the MACE group was placed
50 back in his Division.

Chief Hendershott's removal of all of his command staff and their personnel because of their unwillingness to permit, conduct, or participate in an illegal search is a textbook example of management malfeasance. Only a few days after he had "cleared the decks" at MACE, Hendershott met with you and casually reported that he had made some changes in the MACE unit to move some of the "lazy" Deputies out of it. This could not have been farther from the truth and serves as a further example of Hendershott failing to provide you with legitimate, factual information regarding the operation of your office.

NARRATIVE SUMMARY

On 3/19/09, Hendershott called Burden at 8:00 PM and threatened that Freeman, Knight and Burden "better get on board" and threatened to "machine gun" every "mother-f*cking one of them." Two additional threatening calls were subsequently placed with similar content.

On 3/24/09, Burden started to follow up with the vendor who swept the BOS offices for listening devices, but he received a call from Chief Scott Freeman and was directed to stop, as they had all been fired from the MACE Unit. Hendershott stated that only Captain Miller could effectively manage the remaining Detectives (Johnson and Luth) assigned to the MACE unit. Freeman, Knight, Burden and Gentry were removed from MACE and transferred back to SIU. Miller was not pleased with the decision and retired not too long after MACE was placed back in his division.

Munnell alleged that Hendershott removed all of his command staff and their personnel because of their unwillingness to permit, conduct or participate in illegal searches, which Munnell describes as a textbook example of management malfeasance. Hendershott then met with Arpaio and explained how he had moved some "lazy Deputies" out of MACE.

WITNESS ACCOUNTS

Frank Munnell

Munnell's source of information relating to this issue is Rich Burden. Munnell's account of this information, which he obtained hearsay, is found on pp. 58-59, Exhibit II 28b.

Rich Johnson

According to Sgt. Johnson, Hendershott told Johnson that Freeman, Knight, Burden, Gentry were no longer to be associated with MACE because, "They weren't getting it. The dead weight is gone. I need guys that'll work hard."

Jim Miller

1 Miller denied having any discussions with Freeman, Knight, Burden or Gentry about
2 their departure from MACE and the circumstances involved.

3
4 **David Hendershott**

5
6 Hendershott acknowledged that he did ultimately make the decision to transfer
7 Freeman, Knight, Burden and Gentry out of MACE responsibilities. His explanation for
8 doing so was as follows.

9
10 Q: Well it couldn't have been too far because Burden was only there for a
11 couple of weeks at max, but in any event what was the basis for your decision to
12 transfer these individuals out of MACE?

13
14 A: Well in reference to Freeman and Knight, and I don't know how long it
15 was alright but it was obvious to me that this idea of expecting to have the same
16 level of knowledge that I had when Jimmy Miller was there I wasn't going to get
17 it out of Freeman or Knight because Knight was busy running Homicide and
18 narcotics and everything else and he could not stay focused enough on this to
19 satisfy the need that I had frankly to make sure the Sheriff was informed and
20 frankly to make sure that we were tactically, this was, things were happening
21 everyday and something would happen down there that we would need to react to
22 and then you know the next day something would happen and frankly the idea of
23 me telling Freeman, and Freeman telling Knight and then going through going
24 through Burden, it was a nightmare. It was just a nightmare dealing with that and
25 so it was just too important and I just couldn't, you know I remember discussing it
26 with the Sheriff, I says you know I don't want to operate like this anymore and
27 you know I said it's hurting our investigation because Freeman and Knight don't
28 think they have to learn everything and frankly Richie's had, I thought it was a
29 little longer than two weeks but, Richie just wasn't absorbing it because he was,
30 the meetings that I had and this is in all honesty what I recall I suspected that he
31 was guessing or just kind of trying to sound like he knew what was going on but it
32 was so obvious based on his answers that he didn't. And this very serious
33 investigations so it's one thing if he's running a patrol district which you know I
34 think he would do terrific at but totally different in this situation and I do
35 remember discussing this with the Sheriff because I was just really frustrated that
36 you know not, once Miller left and I said Sheriff I'm dying here. Got to get
37 somebody that's smart enough to absorb all this and we tried one guy then we
38 tried another guy. I can't remember if there was a third guy or not but...

39
40 Q: What about Gentry? Why did you transfer Gentry out?

41
42 A: Gentry's issues and people in his unit were entirely different. Gentry's
43 team was not a member of the original MACE unit. Gentry's team was put in as
44 a, I would call it because at some point they got so busy that the key investigators
45 on the team couldn't handle everything so Gentry's team, they investigate threats

1 and all that kind of stuff. They were brought in as basically a manpower stop gap
2 and they were a team but quite frankly and I want to say that I got a call from
3 prosecutor Aubuchon that apparently she had reviewed some supplements that
4 these guys had written and went out to interview some people you know because
5 she was really providing guidance and her comment to me was these supplements
6 are so bad, so bad so incomplete that the whole thing is going to have to be
7 reinvestigated. In other words I forget what the issue was but it was just a matter
8 of you know guys were going out to investigate something and it was just not
9 good work. (pp. 12-13, Exhibit II16d)

10
11 Basically, Hendershott claimed that he transferred Gentry and his Detectives out of
12 MACE because of the lack of quality work on their part. Hendershott denies that he
13 made the decision to remove Freeman, Knight, Burden and Gentry, as well as Gentry's
14 team from MACE, because they had refused to do what he had asked them to do and
15 agree with his decision about the Board of Supervisors search warrant, or any other
16 matters relating to MACE. Hendershott also commented that he made a mistake of
17 pulling in senior personnel, such as Freeman and Knight, who had other responsibilities
18 when he should have "just grabbed the quality guy that I knew could do the job a 100
19 percent." (p. 14, Exhibit II16d)

20
21 When asked what he told Sheriff Arpaio about why Freeman, Gentry and Burden were
22 being transferred out of MACE, Hendershott's response was follows.

23
24 A: Okay I can tell you that I told the Sheriff that the county attorney called
25 me and that Gentry's peoples work was substandard and the supplements were
26 either not coming in or they weren't of a quality that were good enough. The
27 Sheriff is the one that was concerned about Freeman and Knight because he
28 doesn't like the idea of having a whole lot of levels of command between
29 something that hot. In other words by the time you know, in other words if the
30 Sheriff asked me what's going and I got to ask Freeman, and Freemans got to ask
31 Knight, okay, he's a big of having the top meet the bottom okay because
32 invariably you get it wrong. So by the time you've asked you know and believe
33 me, nobody wants to be sitting in front of their Sheriff and have him say well
34 what happened with this, and you've got to say well I don't know. And the Chief
35 comes in and he says I don't know. (p. 43, Exhibit II16g)

36
37 The discussion continued.

38
39 Q: So Dave it's your position that you didn't transfer Freeman, Knight,
40 Burden and Gentry out because any of them had refused to do what you wanted to
41 do?

42
43 A: Absolutely not. Absolutely not. Richie wasn't absorbing the cases and it
44 made the County Attorney mad. He was a test case for call it the Jimmy Miller
45 position. Freeman and Knight were a stop gap because but the problem is that

MCSO Investigation No. M081710, Principals: Hendershott, Black and Fox
Report of Administrative Investigation by PCSO
April 11, 2011

1 Freeman and Knight have so many other things going on that they couldn't live
2 down in the MACE unit the way I was used to Miller living in the MACE unit to
3 where I would get the newest and the freshest information straight from the
4 horse's mouth. That was cumbersome not only, that was cumbersome for me and
5 it's very hard to transmit ideas or you know ask a million questions. What
6 happened here, because the Sheriff, he'll ask a million questions, he'll say well
7 what happened this, what happened here and invariably I'm not going to know so
8 the Sheriff was why do we have all this bureaucracy, something this important
9 like this. (p. 44, Exhibit II16g)

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